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REMARKS/ARGUMENTS

Objection to Use of Trademark

The Examiner objects to the disclosure because the trademark BONTRON was unintentionally referred to throughout the specification as "Bontron". Applicant has amended the specification to correct the usage of the trademark by using full-capitalization. Applicant therefore respectfully requests the Examiner to withdraw the objection.

Differentiation of Claims 19 & 20

The Examiner objects to claims 19 and 20 as being substantially duplicative. While Applicant disagrees, claim 20 has been cancelled without prejudice to expedite the prosecution of this case. Applicant therefore respectfully requests the Examiner to withdraw the objection.

Claim 18 Objected to due to Informalities

The Examiner objects to Claim 18 because the in the phrase "charging and dissolving the polymerization initiator" the term "the polymerization initiator" lacks antecedent basis. Applicant has amended the claim as Examiner has suggested so that the word "the" now reads --a--.

The Examiner also objects to the unintentional misspelling of the word "polymerized" in the phrase "centrifuged polyermized microsphere particles". Applicant has amended the claim as Examiner has suggested so that the word "polyermized" now reads --polymerized--.

Applicant therefore respectfully requests the Examiner to withdraw the objection.

Claims 18-20 Rejected Under 35 U.S.C. 103(a)

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,145,762 (Grushkin) combined with U.S. Patent No. 5,741,617 (Inaba) and U.S. Patent No. 5,797,070 (Waki).

Applicant states that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488,

20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - §2143.03 for decisions pertinent to each of these criteria.

Moreover, Applicant states that the Examiner's rejection is based upon improper hindsight reasoning.

None of the references discuss the use of "monomers", but rather disclose copolymers. In fact, the Examiner admits of page 10 of the Office Action that "Grushkin does not disclose that its toner particles are obtained by the polymerization method recited in the instant claim 18." Again, the prior art reference (or references when combined) must teach or suggest all the claim limitations. This burden simply has not been met by the Examiner.

Furthermore, the particle size achieved in Grushkin is because of a step involving pulverizing. In the present case, the particle size is achieved during the process which is substantially different than what is disclosed in any of the three references cited by the Examiner including Grushkin.

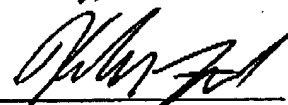
Therefore, Applicant notes that none of the three references cited by the Examiner taken alone or in combination with one another disclose all of the limitations claimed in the present application. Furthermore, one skilled in the art would not be motivated to combine the references but for hindsight presented after reading the present patent application.

Applicants respectfully request the Examiner to withdraw the rejection of claims 18 and 20. Claim 19 has been canceled without prejudice so the rejection of claim 19 is now moot.

Applicant believes that the patent application is in condition for allowance and respectfully requests the Examiner to allow same.

Applicant's response requires a two month extension of time for filing the response to the Office Action mailed August 17, 2006 and submits herewith a check in the amount of \$225.00 to cover the cost of the extension fee. Applicant respectfully requests Examiner to resolve all remaining matters telephonically to expedite prosecution of this case.

Sincerely,



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